

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:)	
)	
DAVID KIRKLAND ANDREWS,)	CASE NO. 1:22-BK-03257
)	CHAPTER 13
DEBTOR.)	JUDGE HARRISON

JAMES AND ANNETTE MCLAUGHLIN'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN

Comes now James and Annette McLaughlin (collectively, the "McLaughlins"), creditors herein, and for their objection to the Debtor's Chapter 13 Plan (the "Plan") (Doc. 15), state as follows:

1. The Debtor has sought turnover of \$15,000.00, *see* Doc. 21, which he has not claimed as exempt. While the Creditors dispute that the Debtor is entitled to turnover of those funds, to the extent he claims entitlement to those funds, their distribution should be provided for in the Plan. The Plan contains no reference to those funds nor how those funds would be distributed, if the Debtor is successful with his turnover motion. The Plan must contain a provision for the distribution of those funds if the Debtor is successful with his turnover request.

2. Furthermore, the Debtor's Plan fails to take into account damages owed to the McLaughlin's on account of the Debtor's breach of a Purchase and Sale Agreement (the "Agreement") dated September 2, 2022, in which David Andrews, the Debtor, agreed to purchase real property located at 830 Baker Road, Columbia, Tennessee (the "Property") from the McLaughlins for \$1,000,000.00 (the "Purchase Price"). The McLaughlins anticipate that their claim against the Debtor's estate will be significant, likely in excess of

\$100,000. Accordingly, the Plan must be amended to account for a distribution to the McLaughlins on account of this indebtedness.

WHEREFORE, the McLaughlins respectfully request that the Court deny the confirmation of the Debtor's Plan as presented.

Dated this 7th day of November, 2022

Respectfully Submitted,

/s/ Phillip G. Young, Jr.
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Attorneys for James and Annette McLaughlin

Certificate of Service

The undersigned hereby certifies that a true and exact copy of the foregoing has been served via electronic notice/ECF on all parties having made an appearance herein, including counsel for the Debtor and the Chapter 13 Trustee.

This 7th day of November, 2022.

/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.